

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mary L. Harnan,

Case No. _____

Plaintiff,

vs.

University of St. Thomas,

Defendant.

NOTICE OF REMOVAL PURSUANT TO
28 U.S.C. §§ 1441 and 1446

TO: CLERK OF THE ABOVE-ENTITLED COURT: U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant University of St. Thomas (“Defendant”) hereby removes to the United States District Court for the District of Minnesota the state court action described below. The basis for removal is federal question jurisdiction pursuant to 28 U.S.C. § 1331.

1. On February 9, 2010, Plaintiff Mary L. Harnan (“Plaintiff”) served University of St. Thomas (“Defendant”) with a Complaint, entitled *Mary L. Harnan v. University of St Thomas*.

2. The caption in Plaintiff’s Complaint is for the District Court of Hennepin County, Fourth Judicial District for the State of Minnesota. Pursuant to 28 U.S.C. § 1446 (a), attached hereto as **Exhibit A** is a true copy of Plaintiff’s Summons and Complaint served upon Defendant. Attached hereto as **Exhibit B** is a list of all known counsel of record.

3. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over the above-described state court action because Plaintiff has asserted claims against Defendant that arise under federal law. The facts supporting this statement are set forth in paragraphs 8-12 below.

4. Because this Court has jurisdiction over the federal claims in this matter, this Court may also exercise supplemental jurisdiction over any and all of Plaintiff's claims in this matter that do not expressly charge Defendant with a claim under federal law. See 28 U.S.C. § 1441 (c). The facts supporting this statement are set forth in paragraphs 8-12 below.

5. This Court is the District Court of the United States for the district embracing the place where the state court action is pending (*i.e.*, Hennepin County, Minnesota), and is, therefore, the appropriate court for removal pursuant to 28 U.S.C. § 1441 (a).

6. Plaintiff's Complaint was served by mail on February 9, 2010. This Notice of Removal is being timely filed within thirty (30) days of service of the Complaint. 28 U.S.C. § 1446 (b).

7. Pursuant to 28 U.S.C. § 1446 (d), Defendant will serve upon Plaintiff and, in the event the case has been filed, promptly file with the clerk of District Court for the Fourth Judicial District, Hennepin County, Minnesota, a Notice of Removal to Federal Court under 28 U.S.C. § 1441 (b).

FEDERAL QUESTION JURISDICTION

8. Plaintiff's Complaint consists of four (4) counts.

9. Count II of Plaintiff's Complaint expressly charges the Defendant with violating the Family and Medical Leave Act, 29 U.S.C. sec. 2601 et seq.

SUPPLEMENTAL JURISDICTION

10. Counts I and IV of Plaintiff's Complaint charge Defendant with violations of the Minnesota Human Rights Act.

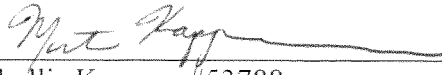
11. Count III of Plaintiff's Complaint charges Defendant with a violation of the Minnesota Whistleblowers Act.

CERTIFICATION UNDER FEDERAL RULES OF CIVIL PROCEDURE

12. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, this action, pending in the District Court for the Fourth Judicial District, Hennepin County, Minnesota, is properly removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated: 2/25/10



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